

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ANTHONY BROWN,

Plaintiff,

vs

9:06-CV-1497

R.K. WOODS, Superintendent, Upstate  
Correctional Facility; and IRISH, Correction  
Officer, Upstate Correctional Facility,

Defendants.  
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APPEARANCES:

OF COUNSEL:

ANTHONY BROWN  
Plaintiff, Pro Se  
04-A-6182  
UpState Correctional Facility  
PO Box 2001  
Malone, New York 12953

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Defendants  
Department of Law  
The Capitol  
Albany, NY 12224

JAMES SEAMAN, ESQ.  
Asst. Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff, Anthony Brown, brought this civil rights action pursuant to 42 U.S.C.  
§ 1983. By Report-Recommendation dated May 7, 2008, the Honorable David R. Homer,  
United States Magistrate Judge, recommended that defendants' motion to dismiss be

granted in all respects and that the amended complaint be dismissed as to all claims and all defenses. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Homer, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

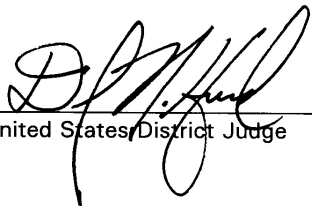
Accordingly, it is

ORDERED that

1. The defendants' motion to dismiss the complaint is GRANTED;
2. The amended complaint is DISMISSED; and
3. The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: May 29, 2008  
Utica, New York.



United States District Judge